

MINUTES  
**WARRICK COUNTY AREA PLAN COMMISSION**  
Regular meeting held in Commissioners Meeting Room,  
Third Floor, Historic Court House,  
Boonville, IN  
Monday, January 9, 2017, 6:00 PM

**PLEDGE OF ALLEGIANCE:** A moment of silence was held, followed by the Pledge of Allegiance.

**MEMBERS PRESENT:** Guy Gentry, Bob Johnson, Jeff Valiant and Jeff Willis.

Also present were Aaron Doll, Attorney; Sherri Rector, Executive Director and Sheila Lacer, Staff.

**MEMBERS ABSENT:** Bill Byers, Amanda Mosiman and Paul Rudolph.

Roll call was taken and a quorum declared present. Mrs. Rector said since there are only four members present this evening, it will take a unanimous vote to pass a motion or deny anything.

Mrs. Rector welcomed Jeff Valiant to the Board as the new Municipal Representative. She said Doris Horn will be on the Board of Zoning Appeals. She also welcomed Bob Johnson as the County Commissioner Representative.

**ELECTION OF OFFICERS:**

Mrs. Rector asked for nominations to elect a President of the Warrick County Area Plan Commission to serve during 2017.

Jeff Valiant made a motion to nominate Guy Gentry for President. The motion was seconded by Jeff Willis.

Mrs. Rector asked if there were any other nominations. Being none Jeff Valiant voted to close the nomination and elect Guy Gentry by acclamation. Jeff Willis seconded and the motion unanimously carried.

The President asked for nominations to elect a Vice-President of the Warrick County Area Plan Commission to serve during 2017.

Jeff Willis made a motion to nominate Jeff Valiant for Vice President. The motion was seconded by Bob Johnson.

The President asked for any other nominations. Being none Jeff Willis voted to close the nomination and elect Jeff Valiant by acclamation. Guy Gentry seconded the motion and it carried unanimously.

**ADOPTION OF RULES AND REGULATIONS:**

Guy Gentry asked if there are any changes to the 2017 Rules of Procedure other than dates?

Mrs. Rector said not at this time. She said as she said in her email to all of them, there are some things that Morrie, Aaron and her have seen that needs to be tweaked some and they will do that as soon as we get through all the other stuff going on and so they just need to adopt the current ones.

Guy Gentry called for a motion.

Jeff Willis made a motion to adopt the Rules of Procedure as presented. The motion was seconded by Jeff Valiant and unanimously carried.

### **APPOINTMENT TO THE BOARD OF ZONING APPEALS:**

Municipal Representative Appointment:

Guy Gentry said he believes only one Board Member qualifies for this appointment and that is Jeff Valiant.

Jeff Willis made a motion to appoint Jeff Valiant as the Municipal Representative to the BZA. The motion was seconded by Bob Johnson and unanimously carried.

County Representative Appointment:

Mrs. Rector stated the two members who qualify for this appointment are Jeff Willis and Bill Byers.

Jeff Valiant made a motion to appoint Jeff Willis as the County Representative to the BZA. The motion was seconded by Bob Johnson and unanimously carried.

### **APPOINTMENT TO PLAT REVIEW COMMITTEE:**

Mrs. Rector said Guy Gentry has been doing this for several years.

Guy Gentry said it works with him being close to town and able to get there during the day, even though he doesn't make all of the meetings but he tries to make it to all of the important ones.

Mrs. Rector explained to Bob Johnson that we have plat review meetings on the second and fourth Wednesday of every month and they go over all of the new development and plats that are being brought in and zonings. She said they do it during the day by appointment.

Guy Gentry said it knocks out a lot of questions and it takes care of a lot concerns and issues before it comes before the meeting.

Mrs. Rector said Bobby Howard, Steve Sherwood and Phil Baxter are also there with her and Guy and he is more than welcome to attend.

Jeff Valiant made a motion to appoint Guy Gentry to the Plat Review Committee. The motion was seconded by Jeff Willis and unanimously carried.

**FEE SCHEDULE:** *No changes from last year.*

Guy Gentry said with no changes from last year do they need to take any action.

Mrs. Rector said they need to accept them as changed on September 1, 2016.

Jeff Willis made a motion to accept the Fee Schedule. The motion was seconded by Jeff Valiant and unanimously carried.

**ANNUAL REPORT:**

Mrs. Rector said she sent this all to them and she asks they approve it. She said she can bring it back to the next meeting when they have a full Board if anybody thinks there is anything to discuss. She said she thinks it is pretty cut and dried and as they can see they were very busy last year and since they raised the fees in September they have taken in quite a bit more money to help pay for the expense of the office and the full time employee the Council gave back to us.

Jeff Willis made a motion to accept the Annual Report. The motion was seconded by Jeff Valiant and unanimously carried.

**MINUTES:**

Guy Gentry said the next item is to approve the Minutes of the last regular meetings held November 14, 2016 and the Minutes of December 12, 2016, stating there was no meeting held due to nothing being filed.

Mrs. Rector said they do have to put them in the official minute book to keep track of the scheduled meetings. She asked Attorney Doll if the new Board members could vote to accept the Minutes since they were not on the Board for those meetings.

Bob Johnson said he should abstain shouldn't he.

Attorney Doll said without four votes the Minutes cannot be approved so they will have to be tabled to the next meeting.

Jeff Willis made a motion to table the November and December Minutes to the next meeting. The motion was seconded by Jeff Valiant and unanimously carried.

**SUBDIVISION FOR PRIMARY PLAT APPROVAL:**

**PP-17-01 – Bieber Estates** by Linda Baldwin, Michael Brady Bieber, Michael Brandon Bieber & Jacob Bieber. 38.92 acres located on the N side of Maxville Rd. approximately 219' N of the intersection formed by Maxville Rd. & Winsett Rd. Parcels 2A & 2B Bieber Minor Sub & part NW ¼ 35-5-7 Skelton Twp. *Compete legal on file. Advertised in the Standard December 29, 2016.*

William Bivins and Linda Baldwin were present.

The President called for a staff report.

Mrs. Rector stated they have submitted all of the return receipts from certified mail to the adjacent property owners. She said this property is zoned Agriculture and each lot must be at least 2.5 acres in order to have a septic site. She said there is some Zone A Flood Plain on the property and no buildings can go in that area until they have elevations shot and sent to the DNR to establish the Base Flood Elevation in that area. She said this is a five lot residential subdivision and there are existing homes on four of the lots and they are creating one additional building site. She said the Commissioners approved no improvements to Maxville or Winsett Road and the Drainage Board ruled no drainage plans required. She said four of the lots have existing homes with septic systems and Lot 5 is the only new building site and has approved septic sites shown on the plat. She said they have water lines in place by Tennyson and the plat is in technical conformity with the Subdivision Control Ordinance.

William Bivins said they are just adding one new lot.

Ascertaining there were no questions from the Board and being no remonstrators present, the President called for a motion.

Jeff Valiant made a motion to approve PP-17-01. The motion was seconded by Bob Johnson and unanimously carried.

#### **OTHER BUSINESS:**

##### **Victoria Woods Primary Changes**

Guy Gentry said he and Mrs. Rector met at the site review – actually I think it was a special meeting for this and after discussion they decided to have Mrs. Rector inform them of what they did on his recommendation.

Mrs. Rector said she thinks in June or July the Board approved this primary plat. She said this is the property back where Victoria is planning their new big residential development and as you see on the drawing it shows “as primaried”. She said that is what was approved. She said the parcels were kind of stacked on top of each other. She said the plat was done to divide the ground into separate entities names and then they plan to develop one section at a time. She said so the Board approved that but the second sheet you see is how they want to change it. She said don’t pay attention to the colors because they are ...

Guy Gentry said the colors were what they were going to develop first so even though it looks like a significant change, nothing has been platted and it is still the one owner going to the other owner and even though it looks major it is really a minor change and so I said I don’t think they need to re-file and do anything else. He said they just wanted to report to the Board what they are developing now is the blue area in the second sheet. He said they changed colors because it is pink on the first plat.

Mrs. Rector said that is why she said to ignore the colors. She said when the primary was approved originally they did tell the Board at the meeting on record that there could be such a large piece of property there could be some tweaking and line changes done and so she and Guy didn't feel that it was going to affect any adjacent property owners and everything is going to come back because they are going to have to do zonings and plats and street and drainage plans and this is just doing two non-buildable at this time and so they just need a ruling they don't have to file a new primary plat and come back before the Board to go along with what they already told them. She then asked Attorney Doll if they need to make a motion.

Attorney Doll said he didn't think so because they aren't really changing anything.

Guy Gentry said they just didn't want to do anything the Board wasn't aware of and then if someone would remember how it did look and say it doesn't look the same. He said this is some change but they didn't feel it was that significant since it is such a large property.

**Formal Complaint ~ Matthew & Valerie Ruark ~ 6066 Glacier Dr ~ Lot 187 Summit Pointe B**

Mrs. Rector said the purpose for this being on the agenda is because she could make a determination this is not a junk/salvage yard by our definition and as we have discussed several times in the past, it is not the Planning Commission's job – that they feel – to clean up the County; that some of these type buildings they need the Commissioners to reproach the County Council and get the unsafe building ordinance back into effect so we have some teeth. She said the last time that we had a complaint such as this the Board had Morrie write the person a letter and if we didn't hear back from them in a certain time then to tell the person who filed the complaint they have the opportunity to file a civil suit in court themselves to have it cleaned up instead of going through the expense on the county. She said her main purpose in putting this on here was she doesn't feel this is a violation of zoning and she wanted to have a discussion with the Board on how to...we said we would bring this back up in the future and make a determination on just what we are accepting as complaints. She said she would just as soon put this back on the agenda later. She said they can look at the pictures to see if they think there is a violation or not and vote on it. She said to her it isn't a junk/salvage yard. She said the house is empty and she is sure a mortgage company has it now or something. She said Chad Bennett filed the complaint because he wanted to be able to mow the grass. She said she and Chad have talked several times about these situations so she doesn't know if they want to make a motion there is no zoning violation that would be fine but she would like to bring this back up in the future as an agenda item.

Jeff Valiant made a motion the property is not in violation at this time. The motion was seconded by Jeff Willis and unanimously carried.

Guy Gentry said so no violation at this time; would someone would like to make a motion we bring this item back for later discussion on how we should handle these types of complaints in the future.

Jeff Valiant made a motion to place this back on the agenda for discussion.

Mrs. Rector said she would like to get this done before summer and the grass starts growing again.

Bob Johnson seconded the motion and it carried unanimously.

**ATTORNEY BUSINESS:**

Attorney Doll said none at this time but he wanted to thank the Board for allowing them to be their attorney.

Mrs. Rector said they appointed them for two years last year.

Guy Gentry asked if there is anything pending.

Attorney Doll stated just for the BZA not the Plan Commission.

**EXECUTIVE DIRECTOR BUSINESS:**

None.

Being no other business the meeting adjourned at 6:20 p.m.

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Guy Gentry, President

ATTEST:

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Sherri Rector, Executive Director